

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 13-30116-DRH
)	
NICHOLAS J. PERJAK,)	
)	
Defendant.)	

STIPULATION OF FACTS

The parties hereby stipulate that, if this case had proceeded to trial, the Government would have proven the following beyond a reasonable doubt:

1. During an investigation by the New Orleans' Federal Bureau of Investigation, IP addresses were captured as the individual using that IP address visited a website that contained links to child pornography and subsequently clicked on a link that indicated, through the description of the link, that the link would lead to child pornography. Using administrative subpoenas, FBI's New Orleans' office sent several leads to the Fairview Heights' FBI office of addresses linked to IP addresses that had been captured during this investigation. An administrative subpoena determined that one of the IP addresses was registered to Defendant Nicholas J. Perjak at his prior residence in Waterloo, Illinois, within the Southern District of Illinois. The investigation revealed that Perjak attempted to access child pornography on this website on May 14, 2011, May 18, 2011, and June 25, 2011, using the internet, a facility of interstate commerce.

2. Based on this information, FBI Task Force Officers conducted a knock and talk at Perjak's residence on December 13, 2012. While the officers were present, Perjak provided a voluntary statement in which he identified a Dell laptop computer, Model Precision, bearing

serial number D85XXR1, as the computer he primarily used for work and personal business. Perjak also admitted viewing child pornography for approximately two (2) years, and indicated that he last viewed child pornography "in the last week." Perjak defined child pornography as nude images and movies of children from as little as two (2) to the age of seventeen (17). Perjaks admitted being addicted to child pornography, and that he had been addicted to it for the past three (3) years. Perjak also admitted viewing child pornography of girls between ten (10) and sixteen (16). Perjak said that he never saved or stored any child pornography on his Dell laptop computer. After the interview ended, Perjak gave the officers written consent to seize his Dell laptop computer.

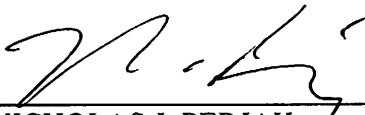
3. A forensic review of the Dell laptop computer, Model Precision, bearing serial number D85XXR1, revealed approximately 6,164 image files of child pornography, the majority of which were in unallocated space which corroborated the defendant's statement. The forensic review also revealed that on November 11, November 24, and December 3, 2012, the defendant, using the internet, a facility of interstate commerce, searched for and accessed both image and video files of child pornography using Internet Explorer.

4. The forensic review also indicated that the image and/or video files of child pornography that had been accessed and viewed on the dates set forth in paragraph 3 above were located in the defendant's downloads folder which meant that the image or video file had actually been downloaded, and therefore produced, on the laptop on each of the dates in paragraph 3 above. All or some of the components of the Dell laptop computer, Model Precision, bearing serial number D85XXR1, were manufactured outside the State of Illinois. For example, the Corsair Solid State Hard Drive, which was contained within the Dell laptop computer described above, was manufactured in Taiwan. These items therefore would have had

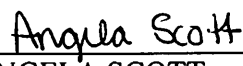
to have affected interstate commerce when shipped or transported to Illinois prior to May 14, 2011.

5. This stipulation of facts is intended only to provide the Court with a sufficient foundation to accept the defendant's guilty plea and is not necessarily an exhaustive account of the defendant's criminal activity.

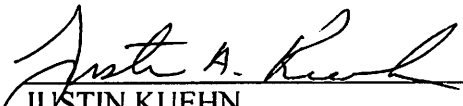
SO STIPULATED:



NICHOLAS J. PERJAK
Defendant



ANGELA SCOTT
Assistant United States Attorney



JUSTIN KUEHN
Attorney for Defendant

Date: 2/17/16

Date: 2/17/16